



CORPORATION SERVICE COMPANY

Notice of Service of Process

KUB / ALL
Transmittal Number: 500627
Date Processed: 04/04/2008

Primary Contact: Mr. James Branton
Mann Bracken, LLC
1 Paces West
Suite 1400 2727 Paces Ferry Road
Atlanta, GA 30339

Entity:	Mann Bracken, LLC Entity ID Number 2231274
Entity Served:	Mann Bracken LLC
Title of Action:	Brad Schiller vs. Mann Bracken LLC
Document(s) Type:	Notice
Nature of Action:	Other
Court:	District Court for Story County, Iowa
Case Number:	SCSC044775
Jurisdiction Served:	Iowa
Date Served on CSC:	04/03/2008
Answer or Appearance Due:	20 Days
Originally Served On:	CSC
How Served:	Personal Service
Plaintiff's Attorney:	Jonathan A. Coy 615-233-2062

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IN THE DISTRICT COURT OF IOWA, STORY COUNTY
SMALL CLAIMS DIVISION

Brad Schiller
904 T Avenue
Nevada, Iowa 50201
Plaintiff

v.
Mann Bracken, LLC
c/o Lexis Document Services Inc.
729 Ins Exchange Building
Des Moines, Iowa 50309
Defendant

Case No: SCSC 044775

Small Claims Original Notice
(Action for Money Judgment)

FILED
CLERK OF DISTRICT COURT
STORY COUNTY
AMES, IOWA
2008 APR 11 PM 1:20

TO THE ABOVE NAMED DEFENDANT,

YOU ARE HEREBY NOTIFIED that the Plaintiff demands from you the following amounts: \$5,000.00 for actual and statutory damages pursuant to Iowa Code § 537.5201(1)(x) and 15 U.S.C. §§ 1692k(a)(1) and 1692k(a)(2)(A) for violation of the Iowa Debt Collection Practices Act and the Federal Fair Debt Collection Practices Act. In addition to the statutory and actual damages, the Plaintiff respectfully requests that the Court order the Defendant to pay the costs of this action and Plaintiff's reasonable attorney fees pursuant to Iowa Code § 537.5201(8) and 15 U.S.C. § 1692k(a)(3) and any other relief deemed equitable in the premise. A document in support of this claim has been attached to this Petition and is incorporated by reference.

UNLESS YOU APPEAR by competing and filing the attached APPEARANCE AND ANSWER FOR with the Clerk of the District Court of Story County, Small Claims Division, 515 Clark, Ames, Iowa 50010 within 20 days after service of this Original Notice upon you, judgment shall be rendered against you upon Plaintiff's claim together with interest and costs.

IF YOU DENY THE CLAIM AND APPEAR by filing the attached APPEARANCE AND ANSWER FORM within 20 days after service of this Original Notice upon you, you will then receive notification from the Clerk of the District Court's office of the place and time for hearing.

Respectfully submitted,

Thornton & Coy Law Office, PLC

By: 
Jonathan A. Coy AT 0001720

208 E 16th Street, Suite 102
Ames, Iowa 50010
(515) 233.2052 / (F) (515) 233.2095
coy@thorntonlawoffice.net
ATTORNEY FOR PLAINTIFF

If you require the assistance of auxiliary aids or services to participate in court because of a disability, immediately call your district ADA coordinator at (515) 286-3394. (If you are hearing impaired, call Relay Iowa TTY at this number 1-800-735-2942).

1. The Plaintiff, Brad Schiller, filed for bankruptcy on January 8, 2008 in the Southern District of Iowa, Case Number 08-00060-hmj7. All debts owed by the Plaintiff, including one owed to the Defendant, were listed in the Plaintiff's Bankruptcy Petition. Notices to the Creditors that the Plaintiff had filed for bankruptcy were mailed on or about January 11, 2008. The Bankruptcy Court's Certificate of Mailing indicates that the Defendant was mailed a copy of the Bankruptcy Notice.
2. The Defendant violated Iowa Code §537.7103(1)(f) when it contacted the Plaintiff to collect a debt during the pendency of the Bankruptcy.
3. The Defendant violated Iowa Code §537.7103(5)(e) and 15 U.S.C. §1692c(a)(2) when it contacted the Plaintiff when it knew that the Plaintiff was represented by an attorney and the attorney's name and address had been provided to the Defendant.
4. The Defendant violated 15 U.S.C. §1692e(10) when it contacted the Plaintiff in an attempt to collect a debt after receiving notice that the Plaintiff was attempting to discharge the debt through Bankruptcy.
5. The Plaintiff is entitled to actual damages when the Plaintiff establishes that the Defendant failed to comply with any provision of the Federal Fair Debt Collection Practices Act. See 15 U.S.C. §1692k(a)(1).
6. The Plaintiff is entitled to statutory damages of \$1,000.00 when the Plaintiff establishes that the Defendant failed to comply with any provision of the Federal Fair Debt Collection Practices Act. See 15 U.S.C. § 192k(a)(2)(A).
7. The Plaintiff is entitled to an award of the costs of this action and reasonable attorney fees when the Plaintiff establishes that the Defendant violated the Federal Fair Debt Collection Practices Act. See 15 U.S.C. § 192k(a)(3).
8. The Plaintiff is entitled to recover actual damages when the Plaintiff establishes that the Defendant failed to comply with any provision of the Iowa Consumer Protection Act. See Iowa Code § 537.5201(1)(y).
9. The Plaintiff is entitled to recover statutory damages of \$1000.00 when the Plaintiff establishes that the Defendant failed to comply with any provision of the Iowa Consumer Protection Act. See Iowa Code § 537.5201(1)(y).
10. The Plaintiff is entitled to an award of the costs of this action and reasonable attorney fees when the Plaintiff establishes that the Defendant violated the Iowa Consumer Protection Act. See Iowa Code § 537.5201(8).

IN THE DISTRICT COURT OF IOWA, STORY
SMALL CLAIMS DIVISION

BRAD SCHILLER,)	
)	
<i>Plaintiff,</i>)	
)	
vs.)	CIVIL ACTION FILE
)	NO.: SCSC 044775
MANN BRACKEN, LLC,)	
)	
<i>Defendant.</i>)	
)	

ANSWER OF DEFENDANT MANN BRACKEN, LLC

COMES NOW, Defendant MANN BRACKEN, LLC (hereinafter
“MB”), by and through the undersigned counsel, and hereby files its Answer to
the Complaint for damages in the above-captioned case, and shows this Court
the following:

FIRST DEFENSE

Plaintiff’s claims fail to state a claim upon which relief may be granted.

SECOND DEFENSE

Plaintiff’s claims fail due to insufficiency of service of process, and lack
of personal jurisdiction.

THIRD DEFENSE

Plaintiff lacks standing to assert all or part of the claims set forth in the Complaint.

FOURTH DEFENSE

Plaintiff's claims are barred by the doctrine of waiver.

FIFTH DEFENSE

Plaintiff's claims are barred by the doctrine of estoppel.

SIXTH DEFENSE

For its Sixth defense, MB responds to the enumerated paragraphs of the complaint as follows:

(1)

For lack of sufficient information, the allegations contained in paragraph 1 of the Complaint are hereby denied.

(2)

The allegations contained in paragraph 2 of the Complaint are hereby denied.

(3)

The allegations contained in paragraph 3 of the Complaint are hereby denied.

(4)

The allegations contained in paragraph 4 of the Complaint are hereby denied.

(5)

The allegations set forth in paragraph 5 of the Complaint are hereby denied.

(6)

The allegations contained in paragraph 6 of the Complaint are hereby denied.

(7)

The allegations contained in paragraph 7 of the Complaint are hereby denied.

(8)

The allegations contained in paragraph 8 of the Complaint are hereby denied.

(9)

The allegations contained in paragraph 9 of the Complaint are hereby denied.

(11)

The allegations contained in paragraph 11 of the Complaint are hereby denied.

NINTH DEFENSE

Any allegations contained in Plaintiff's complaint not expressly admitted or denied herein are hereby denied.

WHEREFORE, having fully answered Plaintiff's Complaint, Defendant MB demands judgment in its favor, that it be dismissed with prejudice from this action, that all costs be cast upon Plaintiff, that it be awarded reasonable attorney fees and costs as provided for under applicable law and for such other relief as this Court deems just and proper.

This 22nd day of April, 2008.

Respectfully submitted.

Charles L. Litow AT0004732
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P.O. Box 2165
Cedar Rapids, IA 52406
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Facsimile: (319) 362-3277
Attorney for Defendant